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21CV35822

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Lori Oliver

District Clerk

Shelby County, Texas

Lauren Harris

CAUSE NO. 21CV35822

LATONYA STEVENSON

§

IN THE DISTRICT COURT OF

Plaintiff,

§

v.

SHELBY COUNTY, TEXAS

TYSON FOODS, INC.

§

Defendant.

§
§
§
§
§

123RD JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff LaTonya Stevenson (hereinafter, "Plaintiff"), complains of Defendant Tyson Foods, Inc. (hereinafter, "Defendant"), and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Shelby County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief of no more than \$250,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorneys' fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff further pleads that the amount in controversy in this matter does not exceed \$75,000.00.



Parties

4. Plaintiff, LaTonya Stevenson, is an individual residing in DeSoto Parish, Louisiana.
5. Defendant, Tyson Foods, Inc., is a Delaware corporation with an active right to transact business in Texas. Defendant may be served with process by serving its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, TX 75201.

Misnomer and Alter Ego

6. In the event that any parties are misnamed or not included herein, it is Plaintiff's contention that such was a misnomer and/or such parties are/were alter egos of parties names herein. Specifically, it is Plaintiff's intent to bring suit against the owners and/or operators of Costco.

Facts

7. This lawsuit is necessary as a result of personal injuries that Plaintiff received on or about July 22, 2021. At that time, Plaintiff was working on the trimming line in Defendant's factory at 1019 Shelbyville St, Center, TX 75935, when one of Defendant's employees was not paying attention and cut Plaintiff. Due to Defendant's negligence, Plaintiff suffered extensive and severe injuries. At all times material hereto, one or more of Defendant's employees and/or agents supervised.

8. Defendant was negligent and/or negligent *per se* for one or more of the following reasons, each of which act and/or omission, individually or collectively, constitutes negligence and/or negligence *per se* which proximately caused the incident and Plaintiff's resulting damages:

- a. Negligent supervision of their subcontractors;
- b. Negligent supervision of their employees;
- c. Failed to avoid and/or protect against work-related hazards;



- d. Failed to provide an adequately safe work environment for the work that Plaintiff was hired to perform;
- e. Failed to ensure the safe operation of permitted machinery and/or vehicles including requirements related to vehicle routing and weight limits;
- f. Negligently conducted active operations on the premises;
- g. Negligent hiring and/or retention of employees;
- h. Negligent training and/or supervision of their employees, invitees and subcontractors;
- i. Acting in a manner below the applicable standard of care;
- j. Violating applicable, local, state, and federal laws and/or;
- k. Other acts so deemed negligence.

9. Each of the foregoing negligent acts and/or omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages that are described below.

Damages

- 10. As a result of these acts or omissions, Plaintiff sustained damages recognizable by law.
- 11. By virtue of the actions and conduct of the Defendant set forth above, Plaintiff was seriously injured and is entitled to recover the following damages:
 - a. Past and future medical expenses;
 - b. Past and future pain, suffering and mental anguish;
 - c. Past and future physical impairment;
 - d. Past and future physical disfigurement;
 - e. Past lost wages and future loss of earning capacity.



12. By reason of the above, Plaintiff was entitled to recover damages from the Defendant in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

Duty to Disclose

13. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendant must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

Initial Disclosures

14. Pursuant to Rule 194, Tex. R. Civ. P., Defendant must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in Defendant's initial disclosure at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendant's response.

Rule 193.7 Notice

15. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

Prayer

Plaintiff prays that this citation issue and be served upon Defendant in a form and manner prescribed by law, requiring that Defendant appear and answer, and that upon final hearing, Plaintiff has judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, and all such other and further relief, to which she may be justly entitled.



Respectfully submitted,

DASPIK LAW FIRM

/s/ Coby Steele

Coby Steele

Texas State Bar No. 24124832

440 Louisiana Street, Suite 1400

Houston, Texas 77002

Telephone: (713) 322-4878

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

ATTORNEY FOR PLAINTIFF



Lori Oliver, District Clerk
Shelby County, Texas
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Mahmood Ali on behalf of John Daspit
Bar No. 24048906
mali@daspitlaw.com
Envelope ID: 58056654
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Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Mahmood Ali		mali@daspitlaw.com	10/11/2021 11:03:17 AM	SENT
Jaime Holder		jholder@proactivelegal.com	10/11/2021 11:03:17 AM	SENT
Alma Lira		Alira@proactivelegal.com	10/11/2021 11:03:17 AM	SENT
John ADaspit		Eservice@daspitlaw.com	10/11/2021 11:03:17 AM	SENT
Daspit Proactive Legal		daspit@proactivelegal.com	10/11/2021 11:03:17 AM	SENT

STATE OF TEXAS
COUNTY OF SHELBY
I, Lori Oliver, District Clerk of Shelby
County, Texas do hereby certify that the
foregoing is a true and correct copy of the
original record, now in my lawful custody and
possession, as appears of record in Vol. ,
Page Minutes of said court on file in
my office.

Witness my official hand and seal of office,
this 11/18/21

LORI OLIVER, DISTRICT CLERK
SHELBY COUNTY, TEXAS

By Lauren Harris



Lori Oliver, District Clerk
Shelby County, Texas
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